

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12023 of 2004

Between:

Mustafa Muslims Minority Welfare Association (Regd.No.330/2003)
Tenali, Guntur District, rep. by its President, Sk.Mehboob Basha

..... PETITIONER

AND

- 1 The District Collector, Machilipatnam ,
Krishna District
- 2 The Mandal Revenue Officer Vijayawada Rural Mandal,
Near Challapalli Bunglow, Vijaywada, Krishna

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not furnishing the Possession Certificate in favour of the Petitioner Association as tenant in respect of the lands admeasuring Ac. 70.46 Cents in Survey No.852/1 of Nunna Village, Vijayawada Rural Mandal, Krishan Dist., as illegal, contrary to law and arbitrary and consequentially direct the respondents to furnish the Possession Certificate to the Petitioner Association.

Counsel for the Petitioner: MR. VENKATESWARLU POSANI

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

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Oral order:

The petitioner, namely Mustafa Muslims Minority Welfare Association states that one Syed Amirulla Hussain, who is the notified Khazi, executed a lease deed dated 5-1-2004 in favour of the petitioner in respect of an extent of Ac.70-46 cents of agricultural land, situated in Sy. No. 852/1 of Nunna village, Vijayawada Rural Mandal, Krishna District, which was registered in the Office of the Sub-Registrar, Vijayawada on 6-1-2004. After execution thereof, the executor even delivered possession of the property. Pursuant thereto, it is the case of the petitioner that though they made representation dated 23-3-2004, followed by another representation dated 17-5-2004, under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, requesting the respondents to make necessary entries in the record of rights, no action had been taken thereon. Aggrieved thereby, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, and having regard to the fact that no orders are passed on the representations of the petitioner, they both agreed for disposal of the writ petition with the following directions:

Respondent Nos. 1 and 2 are directed to consider the request made by the petitioner in their representations dated 23-3-2004 and 17-5-2004, for making necessary entries in the record of rights in the light of the registered lease dated 6-1-2004, said to have been executed by one Syed Amirulla Hussain, in their favour, and in accordance with law, and pass appropriate orders thereon, expeditiously.

The writ petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Machilipatnam ,
Krishna District
- 2 . The Mandal Revenue Officer Vijayawada Rural Mandal,
Near Challapalli Bunglow, Vijaywada, Krishna
3. 2 CCs to Government Pleader for Revenue, High Court of A.P.Hyd(OUT).
4. 2 CD copies

KSR/CCM